

### REMARKS

Claims 1-20 are currently pending in the application. Claims 1-20 are rejected.

#### I. Status of Examiner's Consideration of Applicants' Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on December 20, 2001. The Office Action mailed December 19, 2002 indicates the initialed Form 1449 is attached. However, this document was not included in the mailing. Applicants' representative respectfully requests that the Examiner forward the initialed PTO-1449 in the next Office communication.

#### II. Rejection Under 35 U.S.C. §102(e)

In paragraph 2 on page 2 of the Office Action, claims 1, 2, 5, and 17 are rejected under 35 U.S.C. §102 (e) as being anticipated by Nomura (U.S. Patent No. 6,203,850). Applicants respectfully traverse the rejections.

Applicants submit herewith a Declaration under 37 CFR 1.132 by Hiroshi Nomura. The Declaration establishes that Mr. Nomura invented the subject matter of and is the sole inventor of the '850 patent cited by the Examiner. Therefore, the Examiner is citing Mr. Nomura's own work. The affidavit further establishes that Mr. Nomura is a co-inventor of the subject matter of the pending application. As a result, Applicants respectfully submit that the 102(e) rejection based on the '850 patent is overcome.

Applicants respectfully request withdrawal of the rejection of claims 1, 2, 5, and 17 under 35 U.S.C. §102 (e) as being anticipated by Nomura.

#### III. Rejection Under 35 U.S.C. §103

In paragraph 4 on page 3 of the Office Action, claims 3, 4, 6-16, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura in view of Carroll, et al. (U.S. Patent No. 6,040,195). Applicants respectfully traverse the rejections.

As described above, Applicants submit herewith a Declaration under 37 CFR 1.132 by Hiroshi Nomura. The Declaration establishes that Mr. Nomura invented the subject matter of and is the sole inventor of the '850 patent cited by the Examiner. Therefore, the Examiner is citing Mr. Nomura's own work. The Declaration further establishes that Mr. Nomura is a co-inventor of the subject matter of the pending application. As a result, Applicants respectfully submit that the 103 rejection based on the '850 patent in combination with the '195 patent is overcome.

Applicants respectfully request withdrawal of the rejection of claims 3, 4, 6-16, and 18-20 under 35 U.S.C. § 103(a) as being anticipated by Nomura in view of Carroll, et al.

#### IV. Conclusion

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims.


If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' attorney of record, Hallie A. Finucane at (952) 253-4134.

Respectfully submitted,

Altera Law Group, LLC  
Customer No. 22865

Date: October 1, 2004

By:

  
Hallie A. Finucane  
Reg. No. 33,172  
HAF/JRS/mar